

**John O'B. Clarke Jr.**

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**From:** Dana Edward Eischen <deearb@gmail.com>  
**Sent:** Friday, May 02, 2014 4:40 PM  
**To:** Lilia Bell; Wes Kennedy; Siegel, Robert; William Wilder; John Clarke  
**Subject:** Re: RPMC DRA § V(j) Dispute--Filing of Replies

**Counsel**

To date, I have spent some significant hours reviewing the record and your respective briefs/reply briefs plus initial drafting of several portions of the Opinion and Award in the dispute submitted to me under the terms of the 11.26.13 Frontier/ IBT Arbitration Agreement.

Before I invest what I anticipate will be some significant additional study and writing time to complete that assignment, it seems to me reasonable and appropriate to solicit your respective positions concerning the impact, if any, on these proceedings of the NMB's March 31, 2014 FUI and May 2, 2014 Notice in Case No. R-7381. May I have the benefit of your replies by close of business on June 2, 2014?

Regards,

Dana

On Fri, May 2, 2014 at 9:54 AM, Wes Kennedy <[kennedy@ask-attorneys.com](mailto:kennedy@ask-attorneys.com)> wrote:

Arbitrator Eischen:

On March 31, 2014 I forwarded you the NMB's Findings Upon Investigation in the pending NMB representation proceeding (see Stipulation pars. 57-59). No proposed intervenor responded during the 30-day period provided in those Findings. On May 1, 2014, the NMB issued the attached notice.

WK

Wes Kennedy

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**From:** Wes Kennedy [mailto:[kennedy@ask-attorneys.com](mailto:kennedy@ask-attorneys.com)]  
**Sent:** Monday, March 31, 2014 4:17 PM  
**To:** 'Dana Edward Eischen'  
**Cc:** Siegel, Robert ([rsiegel@omm.com](mailto:rsiegel@omm.com)); 'Lilia Bell' ([LBell@fordharrison.com](mailto:LBell@fordharrison.com)); William Wilder ([wwilder@bapwild.com](mailto:wwilder@bapwild.com)); John Clarke ([jclarke@highsaw.com](mailto:jclarke@highsaw.com))  
  
**Subject:** RE: RPMC DRA § V(j) Dispute--Filing of Replies

Arbitrator Eischen:

For your information, the National Mediation Board today issued the attached Findings Upon Investigation in the pending NMB representation proceeding (see Stipulation pars. 57-59).

WK

Wes Kennedy

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**From:** Wes Kennedy [<mailto:kennedy@ask-attorneys.com>]  
**Sent:** Wednesday, March 26, 2014 9:57 AM  
**To:** 'Dana Edward Eischen'  
**Subject:** RE: RPMC DRA § V(j) Dispute--Filing of Replies

Arbitrator Eischen:

Attached is the Frontier Merger Committee's reply brief in the above-referenced matter. I understand that, once you have received all parties' reply briefs, you will circulate them among counsel.

Thank you for your attention.

WK

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**From:** Dana Edward Eischen [<mailto:deearb@gmail.com>]  
**Sent:** Tuesday, March 25, 2014 11:14 AM  
**To:** John Clarke  
**Cc:** Siegel, Robert; Lilia Bell; wes kennedy; William R. Wilder  
**Subject:** Re: RPMC DRA § V(j) Dispute--Filing of Replies

All

We can serve as clearing house for all of the reply briefs, if that is what you want us to do.

Dana

On Tue, Mar 25, 2014 at 10:50 AM, John Clarke <[jclarke@highsaw.com](mailto:jclarke@highsaw.com)> wrote:

Dana:

Would your office be willing to serve the reply brief as you did with the opening briefs?

The reason I ask is that I will be away from my office tomorrow, and I would like to file my reply later today.

Thanks.

John O'B. Clarke, Jr.

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